

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 10009 of 2004

Between:

Syed.Ahmed rep.by its G.P.A.Holder MR.Jameel.Ahmed,
S/o.Ravoof.M.A. R/o.Flat No.305, Sri Keertana Apts., Old Bowenpally,
Secunderabad.

..... PETITIONER

AND

- 1 The District Collector, Rangareddy Dist.
- 2 The M.R.O., Balanagar,RR Dist.
- 3 The Circle Inspector, Bowenpally P.S., Old.Bowenpally,
Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly in the nature of writ of mandamus declaring respondents action in interfering the construction work and not allowing the petitioner to construct house in his own schedule property bearing survey No.43, 44, 56, 57, and 50 part, admeasuring 264.sq.yards or 220.70 sq. mts situated at Old-Bowenpally, Balanagar Mandal, Kukatpally Municipality, Ranga reddy District, without notice, without assigning any reasons, so far, without passing any proceedings is illegal, arbitrary, unjust, violative of Article 226 of the Constitution of India and Consequently direct the Respondents not to interfere in petitioner construction work in his schedule land 43,44,56,57,58 part. Situated at Old- Bowenpally, Kukatpally, Municipality, on plot No.31 without any notice and without assigning any reason and without any proceedings and without due process of law.

For the Petitioner: MR.RAVI KUMAR MOTURI

For the Respondent: GP FOR REVENUE FOR R1 TO 3

The Court Made the Following :

The petitioner filed this writ petition praying for the following relief.

The respondents action in interfering the construction work and not allowing the petitioner to construct house in his own schedule property bearing Survey Nos. 43,44,56, 57 and 58 part, admeasuring 264 sq. yards or 220.70 sq. mts. situated at Old Bowenpally, Balanagar Mandal, Kukatpally Municipality, Ranga Reddy District, without notice, without assigning any reasons so far, without passing any proceedings is illegal arbitrary, unjust, violative of Article 226 of the Constitution of India and consequently direct the respondents not to interfere in petitioner construction work in his schedule land Survey Nos. 44,43, 56, 57, 58 part situated at Old Bowenpally, Kukatpally Municipality on Plot No. 31 without any notice and without assigning any reason and without any proceedings and without due process of law.

The petitioner claims to be owner and possessor of the land in the aforementioned survey numbers. While so, it is his case that the respondent Nos. 1 and 2-revenue authorities with the assistance of respondent No.3-police, are interfering with his peaceful possession. He, therefore, prays for appropriate directions.

The learned Government Pleader for Revenue appearing on behalf of respondent Nos. 1 and 2 on instructions submitted that the lands in possession of the petitioner were declared as surplus under the ceiling laws, and this apart, one Mohd. Hasanoddin Gori and others filed petition under Section 40 of the A.P. (T.A) tenancy and Agricultural Lands Act, 1950 for grant of P.T. lands in respect of the aforementioned lands, and respondent No.2 after following the due procedure passed orders in Case No. B/522/98, dated 4-5-2002 granting succession. Thereagainst, one Sri. Narasimham, filed an appeal under Section 90 of the Act before the Joint Collector, Ranga Reddy District, who pending disposal of the appeal, passed orders on 20-4-2003, directing the parties to maintain status quo with regard to possession as on that date and also not to make further constructions.

Since in respect of the lands in question, there are rival claims and having regard to the fact that the appeal filed by one Sri. Narasimham against the orders of respondent No.2, is pending before the Joint Collector, no relief as prayed for by the petitioner can be granted.

Hence, the writ petition is dismissed. However, the petitioner is at liberty to participate in the appeal proceedings that are pending before the Joint Collector, Ranga Reddy District, in relation to the land in question. No costs.

N.V. RAMANA, J.

Date: June 28, 2004.
KSR/KVRM

ASSISTANT

REGISTRAR

To

- 1 The District Collector, Rangareddy Dist.
- 2 The M.R.O., Balanagar, RR Dist.
- 3 The Circle Inspector, Bowenpally P.S., Old Bowenpally,
Secunderabad.
4. 2 copies to G.P. for Revenue, High Court Buildings, Hyd.
5. 2 CD copies.